

1                                   **ARIZONA STATE BOARD OF PHARMACY**  
2                                   **1616 W. Adams Street, Room 120**  
3                                   **Phoenix, Arizona 85007**  
4                                   **(602) 771-2727**

5 In the Matter of:

6 **JOLENE GIARRIZZO,**

7 Holder of License No. T004302

8 As a Pharmacy Technician in the State of  
9 Arizona

**FINDINGS OF FACT, CONCLUSIONS**  
**of LAW and BOARD ORDER**  
**No. 12-0036-PHR**

11  
12 Pursuant to Notice of Hearing Number 12-0036-PHR (Notice) this matter came before  
13 the Arizona State Board of Pharmacy (Board) on January 24, 2013.

14 Daniel Milovich, president, presided with vice-president Tom Van Hassel and members  
15 William Francis, Kyra Locnikar, Dennis McAllister, Reuben Minkus, John Musil, and Nona  
16 Rosas in attendance.

17  
18 The State was represented by the Office of the Attorney General, Montgomery Lee,  
19 Assistant Attorney General, Licensing and Enforcement Section. Diana Rasner, of the  
20 Solicitor General's Section of the Attorney General's Office was present to provide  
21 independent legal advice to the Board. Jolene Giarrizzo, Respondent, was not present and was  
22 not represented by an attorney. The Board, after considering the testimony and evidence  
23 presented, hereby issues the following Findings of Fact, Conclusions of Law, and Order.  
24  
25  
26  
27  
28

29 ///

1 **FINDINGS OF FACT**

2  
3 1. During all relevant times to these findings, Respondent worked as a pharmacy  
4 technician trainee at CVS Pharmacy #9293 located at 325 West Apache Trail, Apache  
5 Junction, Arizona (the "Pharmacy").

6 2. On or before February 7 and 8, 2012 Respondent was observed on covert video  
7 camera surveillance tape recordings stealing quantities of Hydrocodone with IBT 7.5/200  
8 tablets from the Pharmacy stock shelves.

9 3. On or about February 9 and 11, 2012 Respondent was observed on covert video  
10 camera surveillance tape recordings stealing quantities of Hydrocodone/APAP 10/325 from  
11 the Pharmacy stock shelves.

12 4. On February 13, 2012 Respondent was interviewed by CVS and Pharmacy  
13 Board staff at the Pharmacy regarding her activities on February 7, 8, 9, and 11, 2012 as well  
14 as an on-going investigation into the theft of controlled substances from the Pharmacy over the  
15 past year. Respondent admitted that she had been stealing Hydrocodone with IBT 7.5/200 and  
16 Hydrocodone/APAP 10/325 from the Pharmacy since March 2011. Respondent stated that she  
17 does not have a valid prescription for the drugs and was taking them because of a back injury  
18 to help her relax. Respondent admitted that over the past year she had stolen approximately  
19 4000 Hydrocodone with IBT 7.5/200 tablets and approximately 2000 Hydrocodone/APAP  
20 10/325 tablets from the Pharmacy.

21 5. On February 13, 2012 Respondent was terminated from her employment with  
22 the Pharmacy for violation of company policy stemming from her theft of these drugs.  
23  
24

25 **CONCLUSIONS of LAW**

26  
27 1. The Board possesses jurisdiction over the subject matter and over Respondent  
28 pursuant to A.R.S. § 32-1901 *et seq.*  
29

2. The Board may discipline a pharmacy technician trainee who has engaged in unprofessional conduct. A.R.S. § 32-1927.01(A) (1).

3. The conduct and circumstances described above constitutes unprofessional conduct pursuant to A.R.S. § 32-1901.01(C) (2) (Violating a federal or state law or administrative rule relating to the manufacture or distribution of drugs or devices).

4. The conduct and circumstances described above constitutes unprofessional conduct pursuant to A.R.S. § 32-1901.01 (C) (6) (Committing a felony, whether or not involving moral turpitude, or a misdemeanor involving moral turpitude or any drug related offense).

5. The conduct and circumstances described above constitutes a violation of A.R.S. § 32-1968 (A) (A prescription-only drug shall be dispensed only on a written or electronically transmitted prescription from a licensed medical practitioner).

## ORDER

In view of the above Findings of Fact and Conclusions of Law, the Board issues the following Order:

The pharmacy technician license issued to Jolene Giarrizzo is hereby revoked.

### RIGHT TO PETITION FOR REHEARING OR REVIEW

Respondent is hereby notified of the right to petition for a rehearing or review by filing a petition with the Board's Executive Director within thirty (30) days after service of this Order. A.R.S. § 41-1092.09. The petition must set forth legally sufficient reasons for granting a rehearing. A.C.C. R4-23-128. Service of this order is effective five (5) days after date of

1 mailing. If a motion for rehearing is not filed, the Board's Order becomes effective thirty-five  
2 (35) days after it is mailed to Respondent.

3  
4 Respondent is further notified that the filing of a motion for rehearing is required to  
5 preserve any rights of appeal to the Superior Court.

6 DATED this 31<sup>st</sup> day of January, 2013.

7  
8 **ARIZONA STATE BOARD OF PHARMACY**

9  
10 SEAL

11  
12 

13 Hal Wand, R.Ph.  
14 Executive Director

15 COPY OF THE FOREGOING MAILED  
16 by CERTIFIED & REGULAR FIRST-CLASS MAIL  
17 this 31 day of January, 2013, to:

18 Jolene Giarrizzo  
19 748 South Del Rio Court  
20 Apache Junction, Arizona 85220  
21 Respondent

22 COPY OF THE FOREGOING MAILED  
23 this 31 day of January, 2013, to:

24 Christopher Munns  
25 Assistant Attorney General  
26 1275 W. Washington Street, CIV/SGO  
27 Phoenix, Arizona 85007  
28 Attorney for the Board

29 and

Monty Lee  
Assistant Attorney General  
1275 W. Washington Street, CIV/LES  
Phoenix, Arizona 85007  
Attorney for the State

Receipt # TP